

REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF
TM 5502RPL², AD 10-042, ER 06-01-002,
BALDWIN MAJOR SUBDIVISION (14 LOTS); TENTATIVE MAP AND
ADMINISTRATIVE PERMIT

September 30, 2010

COMMENT TO STAFF: The Project Manager must ensure that all applicable environmental ordinances are complied with to the extent that these ordinances apply to the project.

I. HABITAT LOSS PERMIT ORDINANCE – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

While the proposed project and offsite improvements are located outside of the boundaries of the Multiple Species Conservation Program, the development footprint and locations of any offsite improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Although coastal sage scrub habitat was observed onsite, the development footprint would completely avoid coastal sage scrub habitat and this habitat would be placed in an open space easement. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

II. MSCP/BMO - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES
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NO
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NOT APPLICABLE/EXEMPT
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

III. GROUNDWATER ORDINANCE - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES
☐NO
☐NOT APPLICABLE/EXEMPT
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Discussion:

The project will obtain its water supply from the Fallbrook Public Utility District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

IV. RESOURCE PROTECTION ORDINANCE - Does the project comply with:

The wetland and wetland buffer regulations (Article IV, Sections 1 & 2) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Article IV, Section 3) of the Resource Protection Ordinance?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input checked="" type="checkbox"/>
The Steep Slope section (Article IV, Section 5)?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Article IV, Section 6) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Article IV, Section 7) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

Discussion:

Wetland and Wetland Buffers:

The site contains southern coast live oak riparian forest and coast live oak woodland, which if disturbed would result in a significant impact and are considered RPO wetlands. The on-site RPO jurisdictional areas would not be impacted by the proposed project and would be placed in a permanent open space easement. The off-site RPO jurisdictional areas, however, are proposed to be impacted as a result of a road crossing for the primary access road. The RPO allows crossing of wetlands for roads and trails when the following conditions are met:

- There is no feasible alternative that avoids the wetland;
- The crossings are limited to the minimum number feasible;
- The crossings are located and designed in such a way as to cause the least impact to environmental resources, minimize impacts to sensitive species and prevent barriers to wildlife movement (e.g., crossing widths shall be the minimum feasible and wetlands shall be bridged where feasible);
- The least-damaging construction methods are utilized (e.g., staging areas shall be located outside of sensitive areas, work shall not be performed during the sensitive avian breeding season, noise attenuation measures shall be included

and hours of operation shall be limited to as to comply with all applicable ordinances and to avoid impacts to sensitive resources);

- The applicant shall prepare an analysis of whether the crossing could feasible serve adjoining properties and thereby result in minimizing the number of additional crossings required by adjacent development; and
- There must be no net loss of wetlands and any impacts to wetlands shall be mitigated at a minimum ratio of 3:1 (this shall include a minimum 1:1 creation component, while restoration/enhancement of existing wetlands may be used to make up the remaining requirements for a total of 3:1 ratio).

The proposed access road has been designed to cause the least impact to environmental resources. The project site is located west of the drainage that runs along De Luz Road and any proposed access from De Luz Road to the project site would result in impacts to the drainage and RPO wetlands. There is an existing private road to the south named Shady Lane. The project site has no access rights to use Shady Lane. In addition, the roadway exceeds the maximum dead end road length permitted by the San Diego Consolidated Fire Code and requirements of the North County Fire Protection District. Therefore, a secondary access would be required and the access would likely connect to De Luz, which would impact RPO wetlands.

The project has limited the proposed access to a single road. The width of the proposed access road is the minimum allowed by the San Diego County Private Road Standards and North County Fire Protection District standards. The construction of the road would not be performed during the sensitive avian breeding season and would require biological monitoring to ensure that there are no impacts to sensitive species. The proposed access could feasibly serve the three lots located east of the project site, along De Luz Road. The proposed access would allow the other existing lots to access the private road and minimize any additional impacts to RPO wetlands.

The proposed 0.30-acre and 0.38-acre impact to southern coast live oak riparian forest and coast live oak woodland would be mitigated offsite at a minimum 3:1 ratio with the southern coast live oak riparian forest habitat having a minimum 1:1 creation and 2:1 enhancement component in accordance with the provisions of the RPO. There will be a no net loss of wetlands and therefore no significant impact will occur.

Floodways and Floodplain Fringe:

The proposed project and off-site improvements are not located within a floodway or floodplain fringe.

Steep Slopes:

The average slope for the property is 18.9 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). The area of steep slopes on the project would be preserved within permanent biological open space. The project is in conformance with the RPO.

Sensitive Habitats:

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site as determined on a site visit conducted by Valerie Walsh on October 31, 2007 and April 4, 2009. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

Significant Prehistoric and Historic Sites:

The property has been surveyed by a County of San Diego certified archaeologist/historian Philip de Barros in 2007, and it has been determined that there is one historical resources within the project site, CA-SDI-18319, the Dolores Costello Barrymore Estate. A cultural resources report entitled, "*Cultural Resources Survey and Evaluation of Tentative Map 5502 a 32-Acre Parcel at 1030 De Luz Road, APN 103-010-72, Fallbrook, San Diego County, California*", revised date of February 2, 2010, and prepared by Professional Archaeological Services evaluated the significance of the historical resources based on a survey of the property, a review of historical records on file at the Fallbrook Historic Society, and an interview with the groundskeeper. An architectural evaluation was conducted to the extent possible through reviewing old photographs, but as most of the main buildings associated with the estate have been destroyed and removed, this evaluation was limited. Based on the results of this study which concluded that the remains of the estate lack integrity due to their destruction and removal, it has been determined that the historic resource is not significant and does not need to be preserved under the Resource Protection Ordinance. As the Barrymore Estate pre-dates trash surface in the Fallbrook area, there is a potential for intact historic trash deposits to exist on-site. Grading monitoring, consisting of a County-approved historian, will be a required condition of project approval.

V. STORMWATER ORDINANCE (WPO) - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES

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NO

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NOT APPLICABLE

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Discussion:

DPW staff has reviewed the Preliminary Drainage Study, Stormwater Management Plan (SWMP), and Preliminary Grading Plan prepared by William Karn Surveying Inc. The SWMP is considered adequate for CEQA purposes and complies with the San Diego County Standard Urban Stormwater Mitigation Plan (SUSMP) and Watershed Protection Ordinance (WPO) requirements for a SWMP.

VI. NOISE ORDINANCE – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES

NO

NOT APPLICABLE



Discussion:

The proposal would not expose people to nor generate potentially significant noise levels which exceed the allowable limits of the County of San Diego Noise Element of the General Plan, County of San Diego Noise Ordinance, and other applicable local, State, and Federal noise control regulations.

Transportation (traffic, railroad, aircraft) noise levels at the project site are not expected to exceed Community Noise Equivalent Level (CNEL) 60 decibels (dB) limit because review of the project indicates that the project is not in close proximity to a railroad and/or airport. Additionally, the County of San Diego GIS noise model does not indicate that the project would be subject to potential excessive noise levels from circulation element roads either now or at General Plan buildout.

Noise impacts to the proposed project from adjacent land uses are not expected to exceed the property line sound level limits of the County of San Diego Noise Ordinance.